

## **REMARKS**

Favorable reconsideration of this application is respectfully requested.

Independent Claims 1, 16, 24, 44, 50 and 53 have been amended to more particularly point out and distinctly claim the invention by reciting (in slightly different ways) in the body of each claim that packets are classified as storage control packets for controlling storage management and routing of data packets between an initiator and a storage device, and that the storage control packets are used for controlling the storage switch.

Additionally, dependent Claims 11, 17, 22 and 23 have been amended either for consistency with their corresponding independent claims, to improve their form, or to better define the invention.

For the reasons which follow, it is respectfully submitted that the claims distinguish over the cited prior art and that the claimed invention would not have been obvious to one skilled in the art at the time of the invention on this cited prior art.

### The Rejections Under 35 U.S.C. §103

The rejections of Claims 1 - 11, 13 - 20, 22 - 25, 29, 30, 44, 47 - 50 and 53 (which includes all independent Claims 1, 16, 24, 44 and 50) as unpatentable over U.S. Patent No. 7,095,715 to Buckman are respectfully traversed.

For the reasons set forth previously, and for the reasons which follow, it is respectfully submitted that the claims distinguish over Buckman, and that none of

the claims as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention based over the disclosure of Buckman.

The independent Claims 1, 16, 24, 44 and 50 are directed to either a storage switch, a linecard, or a method of operation of a storage switch. All independent claims recite (in somewhat different ways) at least three limitations that are not disclosed or suggested by Buckman.

First, they all require that packets be classified (or identified) in the storage switch, without buffering the packets, as data packets or storage control packets.

Second, the claims recite that the storage control packets control storage management and routing of data packets between an initiator and a storage device. The claims have been amended to recite this limitation in the body of the claims in order to address the Examiner's position that limitations in the preamble did not need to be considered. As such, the claims now recite this as a positive limitation that must be considered.

Third, the claims have further been amended to recite that storage control packets are used for controlling the storage switch.

Buckman does not disclose or suggest classifying packets as data packets or as storage control packets; does not disclose or suggest using storage control packets to control storage management or routing of data packets between an initiator and a storage device; and does not disclose or suggest either a storage switch or controlling a storage switch using storage control packets, as claimed. Accordingly, for the reasons that follow, it is respectfully submitted that Buckman

cannot render these claims or the claims dependent thereon obvious and unpatentable.

As previously pointed out, Buckman is directed to processing data transfers in a high speed broadband data network. Buckman discloses a network node that classifies packets according to, e.g., protocol type, such as TCP or UDP, application protocol, such as DNS, DHCP, HTTP, IP source or destination addresses, port numbers, or MIME content type such as text/html. None of these disclosed classifications relates to storage control. Thus, although node 10 of Buckman may classify packets according to type, Buckman does not disclose or suggest classifying packets as control packets for controlling node 10, or for any other control purpose. While Buckman may disclose that the ports receive packets at line speed, Buckman does not teach or suggest classifying packets within a switch as data or control packets without buffering the packets. Moreover, Buckman does not teach or suggest anything about controlling either a storage switch or controlling storage management and routing of data packets between an initiator and a storage device in a storage network, as claimed, and would not have led one skilled in the art to the invention as claimed.

Buckman does not disclose using storage control packets for controlling a storage switch, as claimed. In fact, Buckman does not disclose controlling either his node or anything else with respect to storage operations. Contrary to the Office's suggestion (page 3, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of Office action) it would not have been obvious from Buckman for the classifier 14 to communicate control packets to an

accountant engine 20. First, nothing in Buckman teaches or suggests that the classifier 14 has the capability of or performs the function of classifying received packets as control packets, or that it would supply any classified packets to the accountant engine 20. Buckman has a separate controller 22 that controls node 10 and all of the various engines. There is no need to obtain control packets from the classifier engine, and nowhere does Buckman teach or suggest that control may come from control packets from the classifier engine, as suggested. Buckman teaches nothing about using storage control packets for controlling storage management or routing in a storage switch of a storage network, as claimed.

Contrary to the Office's position, Buckman's disclosure (at col. 5, Ins. 25-35) of detecting TCP SYNC requests associated with new TCP connections has nothing to do with storage operations or with using storage control packets, and this does not teach or suggest either classifying packets as storage control packets or using storage control packets, as claimed. Buckman is concerned with routing data packets in a data network. Data routing has different requirements from and is different from controlling storage management operations. Data routing does not require classifying packets as storage control packets. Buckman does not use storage control packets for controlling storage management or routing, and does not control a storage switch, as claimed. Moreover, Buckman does not teach or suggest such functions, and would not have led one skilled in the art to these functions or to the claimed invention.

All independent Claims 1, 16, 24, 44 and 50 have generally the same limitations (although expressed somewhat differently) as described above. Thus, it is submitted that all independent claims distinguish over Buckman for at least the same reasons discussed, and are allowable over the cited art. The dependent claims similarly distinguish over Buckman for at least the same reasons the independent claims distinguish, and are likewise deemed allowable.

In view of the foregoing, it is respectfully submitted that the cited prior art does not disclose or suggest to one skilled in the art the claimed invention, and that no logical combination of the references would produce the claimed invention.

Accordingly, it is respectfully submitted that this application is in condition for allowance, and early allowance of all claims is solicited.

Dated: July 3, 2008

Respectfully Submitted,

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